

HOUSE BILL NO. 2
(Second Special Session)
INTRODUCED BY MOORE
BY REQUEST OF THE GOVERNOR

IN THE HOUSE

June 21, 1982

Introduced and referred to
Committee on Appropriations.

June 22, 1982

Committee recommend bill
do pass as amended.
Report adopted.

On motion rules suspended
and bill placed on second
reading this day.

Second reading, do pass as
amended.

On motion rules suspended
and bill placed on third
reading this day.

Third reading, passed.
Ayes, 88; Nays, 6.
Transmitted to Senate.

IN THE SENATE

June 23, 1982

Introduced and referred to
Committee on Finance and
Claims.

June 26, 1982

Committee recommend bill
be concurred in as
amended. Report adopted.

On motion rules suspended.
Bill referred to second
reading this day.

Second reading, concurred
in.

On motion rules suspended.
Bill placed on third
reading this day.

Third reading, concurred
in. Ayes, 46; Noes, 2.

IN THE HOUSE

June 26, 1982

Returned from Senate.
Concurred in as amended.

Second reading, amendments
concurred in.

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly
enrolled.

1 HOUSE BILL NO. 2 (2nd SS)
 2 INTRODUCED BY Thom
 3 BY REQUEST OF THE GOVERNOR

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO
 6 THE DEPARTMENT OF INSTITUTIONS FOR INCREASED CORRECTIONS
 7 COSTS FOR FISCAL YEAR 1983; AND PROVIDING AN EFFECTIVE
 8 DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. For the purposes of this act,
 12 unless otherwise stated, the following definitions apply:

13 (1) "Department" means the department of institutions.

14 (2) "Director" means the director of the department of
 15 institutions.

16 Section 2. Expenditure limit. Expenditures may not
 17 exceed appropriations.

18 Section 3. Access to records. No funds appropriated by
 19 this act may be expended for any contract, written or oral,
 20 with a nonstate entity for services to be provided by the
 21 nonstate entity to members of the public on behalf of the
 22 state unless the contract contains a provision allowing
 23 access to such records of the nonstate entity as may be
 24 necessary for legislative audit and analysis purposes in
 25 determining compliance with the terms of the contract. Each

1 such contract may be unilaterally terminated by the state,
 2 and each contract shall provide for unilateral termination
 3 by the state upon refusal of the nonstate entity to allow
 4 access to records necessary to carry out the legislative
 5 audit and analysis functions set out in Title 5, chapters 12
 6 and 13.

7 Section 4. Severability. If a part of this act is
 8 invalid, all valid parts that are severable from the invalid
 9 part remain in effect. If a part of this act is invalid in
 10 one or more of its applications, the part remains in effect
 11 in all valid applications that are severable from the
 12 invalid applications.

13 Section 5. Other funds to offset general fund. The
 14 approving authority shall decrease the general fund
 15 appropriation of the agency by the amount of funds received
 16 from other sources in excess of any non-general fund
 17 appropriation unless such action is expressly contrary to
 18 state or federal law, rule, or contract or the approving
 19 authority certifies that the services to be funded by the
 20 additional funds are significantly different from those for
 21 which the agency has received an appropriation.

22 Section 6. Totals not appropriations. The totals shown
 23 in this act are for informational purposes only and are not
 24 appropriations.

25 Section 7. Appropriations. The following money is

1 appropriated from the general fund for the purposes shown
2 for fiscal year 1983:

3 MONTANA STATE PRISON

4	1. General Operations	\$967,507
5	2. Utilities Expense -- Supplement	11,880
6	3. Disturbance Control	53,066
7	TOTAL MONTANA STATE PRISON	\$1,022,453

8 Personal services for Montana state prison may not
9 exceed the total of the \$5,076,609 level identified in HB 2,
10 first special session of the 47th legislature, plus the pay
11 plan, and the additional \$858,303 appropriated in Item 1 for
12 personal services.

13 If utility expenditures exceed \$279,646, the
14 institution may ask for a supplemental appropriation. If
15 utilities do not exceed \$279,646, the difference shall
16 revert to the general fund. This is an \$11,880 supplement to
17 the \$267,766 amount for utilities which was in HB 2 of the
18 first special session of the 47th legislature.

19 CENTRAL OFFICE -- DEPARTMENT OF INSTITUTIONS

20	Corrections Divison	
21	1. Alpha House -- Supplement	\$66,092
22	2. Missoula Life Skills -- Supplement	102,465
23		
24	3. Pre-Release Centers	500,819
25	TOTAL CENTRAL OFFICE --	

1 DEPARTMENT OF INSTITUTIONS \$669,376
2 Item 3 contains money for the establishment of two
3 community pre-release centers. One of the 20-25 bed centers
4 will open September 1, 1982, with the second opening January
5 1, 1983. The department shall receive applications for
6 placement of the centers and after public hearing, select
7 the appropriate placement and location of the programs. If
8 delays occur in opening the pre-release centers, the
9 director may utilize this appropriation to maintain inmates
10 at the state prison. The director shall notify the
11 legislative finance committee and the office of budget and
12 program planning prior to the transfer of these funds.

13 BOARD OF PARDONS

14	1. General Operations	\$16,398
15	Section 8. Industries reappropriation. The unexpended	
16	balance of the fiscal year 1982 general fund appropriation	
17	made to the prison industries program in HB 2, first special	
18	session of the 47th legislature, is reappropriated in fiscal	
19	year 1983.	

20	Section 9. Effective date. This act is effective July	
21	1, 1982.	

-End-

Approved by Comm.
on Appropriations

1 HOUSE BILL NO. 0002 (2nd SS)

2 INTRODUCED BY MOORE

3 BY REQUEST OF THE GOVERNOR

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO
6 THE DEPARTMENT OF INSTITUTIONS FOR INCREASED CORRECTIONS
7 COSTS FOR FISCAL YEAR 1983; AND PROVIDING AN EFFECTIVE
8 DATE."

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15 institutions.

16 Section 2. Expenditure limit. Expenditures may not
17 exceed appropriations.

18 Section 3. Access to records. No funds appropriated by
19 this act may be expended for any contract, written or oral,
20 with a nonstate entity for services to be provided by the
21 nonstate entity to members of the public on behalf of the
22 state unless the contract contains a provision allowing
23 access to such records of the nonstate entity as may be
24 necessary for legislative audit and analysis purposes in
25 determining compliance with the terms of the contract. Each

1 such contract may be unilaterally terminated by the state,
2 and each contract shall provide for unilateral termination
3 by the state upon refusal of the nonstate entity to allow
4 access to records necessary to carry out the legislative
5 audit and analysis functions set out in Title 5, chapters 12
6 and 13.

7 Section 4. Severability. If a part of this act is
8 invalid, all valid parts that are severable from the invalid
9 part remain in effect. If a part of this act is invalid in
10 one or more of its applications, the part remains in effect
11 in all valid applications that are severable from the
12 invalid applications.

13 Section 5. Other funds to offset general fund. The
14 approving authority shall decrease the general fund
15 appropriation of the agency by the amount of funds received
16 from other sources in excess of any non-general fund
17 appropriation unless such action is expressly contrary to
18 state or federal law, rule, or contract or the approving
19 authority certifies that the services to be funded by the
20 additional funds are significantly different from those for
21 which the agency has received an appropriation.

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24 appropriations.

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1 appropriated from the general fund for the purposes shown
 2 for fiscal year 1983:
 3 MONTANA STATE PRISON

4	1. General Operations	\$967,507
5		<u>\$879,376</u>
6	2. Utilities Expense -- Supplement	11,880
7	3. Disturbance Control	<u>53,066</u>
8	TOTAL MONTANA STATE PRISON	\$1,022,453

9 Personal services for Montana state prison may not
 10 exceed the total of the \$5,076,689 level identified in HB 2,
 11 first special session of the 47th legislature, plus the pay
 12 plan, and the additional ~~\$850,303~~ \$806,242 appropriated in
 13 Item 1 for personal services.

14 If utility expenditures exceed \$279,646, the
 15 institution may ask for a supplemental appropriation. If
 16 utilities do not exceed \$279,646, the difference shall
 17 revert to the general fund. This is an \$11,880 supplement to
 18 the \$267,766 amount for utilities which was in HB 2 of the
 19 first special session of the 47th legislature.

20 INCLUDED IN THE APPROPRIATIONS TO THE MONTANA STATE
 21 PRISON IN HOUSE BILL 500 OF THE 1981 LEGISLATURE AND THIS
 22 ACT ARE \$493,641 FOR MEDICAL EXPENSES FOR FISCAL YEAR 1983.
 23 IF MEDICAL EXPENSES ARE LESS, FUNDS SHALL REVERT TO THE
 24 GENERAL FUND.

25 CENTRAL OFFICE -- DEPARTMENT OF INSTITUTIONS

1	Corrections Divison	
2	1. Alpha House -- Supplement	\$66,092
3	2. Missoula Life Skills --	102,465
4	Supplement	
5	3. Pre-Release Centers	500,819
6	TOTAL CENTRAL OFFICE --	
7	DEPARTMENT OF INSTITUTIONS	\$669,376

8 Item 3 contains money for the establishment of two
 9 community pre-release centers. One of the 20-25 bed centers
 10 will open September 1, 1982, with the second opening January
 11 1, 1983. The department shall receive applications for
 12 placement of the centers and after public hearing, select
 13 the appropriate placement and location of the programs. If
 14 delays occur in opening the pre-release centers, the
 15 director may utilize this appropriation to maintain inmates
 16 at the state prison. The director shall notify the
 17 legislative finance committee and the office of budget and
 18 program planning prior to the transfer of these funds.

19 BOARD OF PARDONS

20	1. General Operations	\$16,398
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21 Section 8. Industries reappropriation. The unexpended
 22 balance of the fiscal year 1982 general fund appropriation
 23 made to the prison industries program in HB 2, first special
 24 session of the 47th legislature, is reappropriated in fiscal
 25 year 1983.

HB 0002/02

1 Section 9. Effective date. This act is effective July
2 1, 1982.

-End-

1 HOUSE BILL NO. 2 (2nd SS)
 2 INTRODUCED BY MOORE
 3 BY REQUEST OF THE GOVERNOR
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO
 6 THE DEPARTMENT OF INSTITUTIONS FOR INCREASED CORRECTIONS
 7 COSTS FOR FISCAL YEAR 1983; AND PROVIDING AN EFFECTIVE
 8 DATE."
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 17 exceed appropriations.

18 Section 3. Access to records. No funds appropriated by
 19 this act may be expended for any contract, written or oral,
 20 with a nonstate entity for services to be provided by the
 21 nonstate entity to members of the public on behalf of the
 22 state unless the contract contains a provision allowing
 23 access to such records of the nonstate entity as may be
 24 necessary for legislative audit and analysis purposes in
 25 determining compliance with the terms of the contract. Each

1 such contract may be unilaterally terminated by the state,
 2 and each contract shall provide for unilateral termination
 3 by the state upon refusal of the nonstate entity to allow
 4 access to records necessary to carry out the legislative
 5 audit and analysis functions set out in Title 5, chapters 12
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 8 invalid, all valid parts that are severable from the invalid
 9 part remain in effect. If a part of this act is invalid in
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 12 invalid applications.

13 Section 5. Other funds to offset general fund. The
 14 approving authority shall decrease the general fund
 15 appropriation of the agency by the amount of funds received
 16 from other sources in excess of any non-general fund
 17 appropriation unless such action is expressly contrary to
 18 state or federal law, rule, or contract or the approving
 19 authority certifies that the services to be funded by the
 20 additional funds are significantly different from those for
 21 which the agency has received an appropriation.

22 Section 6. Totals not appropriations. The totals shown
 23 in this act are for informational purposes only and are not
 24 appropriations.

25 Section 7. Appropriations. The following money is

1 appropriated from the general fund for the purposes shown
 2 for fiscal year 1983:
 3 MONTANA STATE PRISON
 4 1. General Operations \$967,587
 5 \$879,376
 6 2. Utilities Expense -- Supplement 11,880
 7 3. Disturbance Control 43,066
 8 TOTAL MONTANA STATE PRISON \$1,022,493
 9 \$934,322

10 Personal services for Montana state prison may not
 11 exceed the total of the \$5,076,689 level identified in HB 2,
 12 first special session of the 47th legislature, plus the pay
 13 plan, and the additional \$850,309 \$806,542 appropriated in
 14 Item 1 for personal services.

15 If utility expenditures exceed \$279,646, the
 16 institution may ask for a supplemental appropriation. If
 17 utilities do not exceed \$279,646, the difference shall
 18 revert to the general fund. This is an \$11,880 supplement to
 19 the \$267,766 amount for utilities which was in HB 2 of the
 20 first special session of the 47th legislature.

21 INCLUDED IN THE APPROPRIATIONS TO THE MONTANA STATE
 22 PRISON IN HOUSE BILL 500 OF THE 1981 LEGISLATURE AND THIS
 23 ACT ARE \$493,641 FOR MEDICAL EXPENSES FOR FISCAL YEAR 1983.
 24 IF MEDICAL EXPENSES ARE LESS, FUNDS SHALL REVERT TO THE
 25 GENERAL FUND.

1 CENTRAL OFFICE -- DEPARTMENT OF INSTITUTIONS
 2 Corrections Divison
 3 1. Alpha House -- Supplement \$66,092
 4 2. Missoula Life Skills -- 102,465
 5 Supplement
 6 3. Pre-Release Centers 500,819
 7 TOTAL CENTRAL OFFICE --
 8 DEPARTMENT OF INSTITUTIONS \$669,376
 9 Item 3 contains money for the establishment of two
 10 community pre-release centers. One of the 20-25 bed centers
 11 will open September 1, 1982, with the second opening January
 12 1, 1983. The department shall receive applications for
 13 placement of the centers and after public hearing, select
 14 the appropriate placement and location of the programs. If
 15 delays occur in opening the pre-release centers, the
 16 director may utilize this appropriation to maintain inmates
 17 at the state prison. The director shall notify the
 18 legislative finance committee and the office of budget and
 19 program planning prior to the transfer of these funds.
 20 BOARD OF PARDONS
 21 1. General Operations \$167,398
 22 \$14,561
 23 Section 8. Industries reappropriation. The unexpended
 24 balance of the fiscal year 1982 general fund appropriation
 25 made to the prison industries program in HB 2, first special

HB 0002/03

1 session of the 47th legislature, is reappropriated in fiscal
2 year 1983.

3 Section 9. Effective date. This act is effective July
4 1, 1982.

-End-

STANDING COMMITTEE REPORT

..... June 19 82
Journal

MR. President

We, your committee on Finance and Claims

having had under consideration House Bill No. 0002

(Hims1)

Respectfully report as follows: That House Bill No. 0002 ,
third reading bill, be amended as follows:

See attached sheets.

House Bill 0002
 Finance & Claims Committee
 Page 2

June 25, 82
 19.....

1. Title, line 7.
 Following: "1983;"
 Insert: "CLARIFYING THE USE OF PAY PLAN FUNDS AND THEREBY
 PROVIDING A SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 1982;"

2. Page 2.
 Following: line 21
 Insert: "Section 6. Pay plan funds. (1) Funds appropriated in
 Chapter No. 421, of the session laws of the 47th Legislature for
 increases in a pay matrix over and above the level of a pay
 matrix provided for in Chapter No. 678 of the session laws of the
 46th Legislature, may be used for expenditures that are related
 solely to increases in a pay matrix and transfer of such funds to
 expenditures for operating expenses in or between any agency of
 state government is prohibited.
 (2) Operating expenses are all those expenses that do not
 include any expense for personal services."
 Renumber: subsequent sections

3. Page 3, line 2.
 Following: "for"
 Insert: "the stated"
 Following: "year"
 Strike: "1983"

4. Page 3, lines 3 through 8.
 Amend as shown:

	Fiscal Year 1982	Fiscal Year 1983
MONTANA STATE PRISON		
1. General Operations	<u>\$103,000</u>	\$967,507
		<u>\$879,376</u>
2. Utilities Expense		
--Supplement		11,880
3. Disturbance Control	<u> </u>	<u>43,066</u>
TOTAL MONTANA STATE PRISON	\$103,000	\$1,702,745 934,322

House Bill 0002
Finance & Claims Committee
June 25, 1982

Page 3

.....June 25..... 19 82.....

5. Page 3, line 13.
Following: "services"
Insert: "in fiscal year 1983"

6. Page 3.
Following: line 13
Insert: " Personal services and utilities for Montana state
prison may exceed the amount restricted in H.B. 2, Laws of 1981,
first special session, for fiscal year 1982."

7. Page 5, line 1.
Following: "is effective"
Strike: "July"
Insert: "June"

8. Page 5, line 2.
Following: line 1
Strike: "1"
Insert: "25"

And, as so amended,
BE CONCURRED IN

1 HOUSE BILL NO. 2 (2nd SS)

2 INTRODUCED BY MOORE

3 BY REQUEST OF THE GOVERNOR

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO
6 THE DEPARTMENT OF INSTITUTIONS FOR INCREASED CORRECTIONS
7 COSTS FOR FISCAL YEAR 1983; CLARIFYING THE USE OF PAY PLAN
8 FUNDS AND THEREBY PROVIDING A SUPPLEMENTAL APPROPRIATION FOR
9 FISCAL YEAR 1982; AND PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Definitions. For the purposes of this act,
13 unless otherwise stated, the following definitions apply:

14 (1) "Department" means the department of institutions.

15 (2) "Director" means the director of the department of
16 institutions.

17 Section 2. Expenditure limit. Expenditures may not
18 exceed appropriations.

19 Section 3. Access to records. No funds appropriated by
20 this act may be expended for any contract, written or oral,
21 with a nonstate entity for services to be provided by the
22 nonstate entity to members of the public on behalf of the
23 state unless the contract contains a provision allowing
24 access to such records of the nonstate entity as may be
25 necessary for legislative audit and analysis purposes in

1 determining compliance with the terms of the contract. Each
2 such contract may be unilaterally terminated by the state,
3 and each contract shall provide for unilateral termination
4 by the state upon refusal of the nonstate entity to allow
5 access to records necessary to carry out the legislative
6 audit and analysis functions set out in Title 5, chapters 12
7 and 13.

8 Section 4. Severability. If a part of this act is
9 invalid, all valid parts that are severable from the invalid
10 part remain in effect. If a part of this act is invalid in
11 one or more of its applications, the part remains in effect
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13 invalid applications.

14 Section 5. Other funds to offset general fund. The
15 approving authority shall decrease the general fund
16 appropriation of the agency by the amount of funds received
17 from other sources in excess of any non-general fund
18 appropriation unless such action is expressly contrary to
19 state or federal law, rule, or contract or the approving
20 authority certifies that the services to be funded by the
21 additional funds are significantly different from those for
22 which the agency has received an appropriation.

23 SECTION 6. PAY PLAN FUNDS. (1) FUNDS APPROPRIATED IN
24 CHAPTER NO. 421, OF THE SESSION LAWS OF THE 47TH LEGISLATURE
25 FOR INCREASES IN A PAY MATRIX OVER AND ABOVE THE LEVEL OF A

1 PAY MATRIX PROVIDED FOR IN CHAPTER NO. 678 OF THE SESSION
 2 LAWS OF THE 46TH LEGISLATURE, MAY BE USED FOR EXPENDITURES
 3 THAT ARE RELATED SOLELY TO INCREASES IN A PAY MATRIX AND
 4 TRANSFER OF SUCH FUNDS TO EXPENDITURES FOR OPERATING
 5 EXPENSES IN OR BETWEEN ANY AGENCY OF STATE GOVERNMENT IS
 6 PROHIBITED.

7 (2) OPERATING EXPENSES ARE ALL THOSE EXPENSES THAT DO
 8 NOT INCLUDE ANY EXPENSE FOR PERSONAL SERVICES.

9 Section 7. Totals not appropriations. The totals shown
 10 in this act are for informational purposes only and are not
 11 appropriations.

12 Section 8. Appropriations. The following money is
 13 appropriated from the general fund for the purposes shown
 14 for THE STATED fiscal year 1983:

	<u>FISCAL YEAR</u>	<u>FISCAL YEAR</u>
	<u>1982</u>	<u>1983</u>
17 MONTANA STATE PRISON		
18 1. General Operations		6967,507
19	103,000	1879,376
20 2. Utilities Expense --		
21 Supplement		11,880
22 3. Disturbance Control		43,066
23 TOTAL MONTANA STATE PRISON		919022,453
24	103,000	1934,322

25 Personal services for Montana state prison may not

1 exceed the total of the \$5,076,689 level identified in HB 2,
 2 first special session of the 47th legislature, plus the pay
 3 plan, and the additional \$858,303 \$806,549 appropriated in
 4 Item 1 for personal services IN FISCAL YEAR 1983. PERSONAL
 5 SERVICES AND UTILITIES FOR MONTANA STATE PRISON MAY EXCEED
 6 THE AMOUNT RESTRICTED IN H.B. 2, LAWS OF 1981, FIRST SPECIAL
 7 SESSION, FOR FISCAL YEAR 1982.

8 If utility expenditures exceed \$279,646, the
 9 institution may ask for a supplemental appropriation. If
 10 utilities do not exceed \$279,646, the difference shall
 11 revert to the general fund. This is an \$11,880 supplement to
 12 the \$267,766 amount for utilities which was in HB 2 of the
 13 first special session of the 47th legislature.

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 15 PRISON IN HOUSE BILL 500 OF THE 1981 LEGISLATURE AND THIS
 16 ACT IS \$493,661 FOR MEDICAL EXPENSES FOR FISCAL YEAR 1983.
 17 IF MEDICAL EXPENSES ARE LESS, FUNDS SHALL REVERT TO THE
 18 GENERAL FUND.

19 CENTRAL OFFICE -- DEPARTMENT OF INSTITUTIONS

20 Corrections Division

21 1. Alpha House -- Supplement \$66,092

22 2. Missoula Life Skills -- 102,465

23 Supplement

24 3. Prerelease Centers 500,819

25 TOTAL CENTRAL OFFICE --

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 9 may utilize this appropriation to maintain inmates at the
 10 state prison. The director shall notify the legislative
 11 finance committee and the office of budget and program
 12 planning prior to the transfer of these funds.

13 BOARD OF PARDONS

14 1. General Operations ~~\$16,398~~
 15 \$14,561

16 Section 9. Industries reappropriation. The unexpended
 17 balance of the fiscal year 1982 general fund appropriation
 18 made to the prison industries program in HB 2, first special
 19 session of the 47th legislature, is reappropriated in fiscal
 20 year 1983.

21 Section 10. Effective date. This act is effective ~~July~~
 22 ~~±~~ JUNE 25, 1982.

-End-